

Tikam

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION No. 1031 OF 2018
IN
FIRST APPEAL (ST) No. 29448 OF 2017

Shri Sakharam Narayan Tupe
(Since deceased) by legal heirs
Shri Ganesh S. Tupe and Ors. ...Applicants
Vs.

The Special Land Acquisition Officer
No.2 and Ors. ...Respondents

Mr. Gaurav Potnis i/b. Ms. Pallavi Potnis for Applicants
Mr. Yogesh D. Ghake -Assistant Government Pleader for Respondent
Nos.1 and 3.

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 16, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this civil application, the Applicants are seeking condonation of 1 year and 28 days delay in filing the First Appeal, challenging the judgment and award dated 17th February, 2016 passed by the Reference Court in Land Reference No. 159 of 2004.
3. Learned counsel for the Applicants submits that the amount awarded by the Reference Court was deposited by the Respondents in the Applicants' account on 13th September, 2017 and, thereafter, immediately, they filed the present appeal in the month of October, 2017. Therefore, there was a delay on the part of the Applicants to file the present first appeal before this Court. He submits that the Applicants have good chance of success in the present matter. He

submits that other connected appeals are already admitted by this Hon'ble Court. He submits that in the interest of justice, this Court be pleased to condone the delay in filing the present first appeal.

4. Considering the submissions made by the learned counsel for the Applicants, and the reasons mentioned in paragraph 6 of the application, I am satisfied that the Applicants have made out a case for following order:

ORDER

- (i) Delay in filing the First Appeal is condoned.
- (ii) The Civil Application stands disposed of.
- (iii) No order as to costs.

[K.K. TATED, J.]